

601 KAR 35:020. Transportation plans.

RELATES TO: KRS 42.455(8), 177.977, 350.060(11), 351.175(6)

STATUTORY AUTHORITY: KRS 42.455(8), 174.080, 177.9771, 177.977, 177.979

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.175(6) requires that mine operators submit with their application for mining licenses a transportation plan certified by the Department of Vehicle Regulation. Further, KRS 350.060(11) requires that mine operators submit with their application for mining licenses a transportation plan certified by the Transportation Cabinet. In conjunction with one another KRS 42.455(8) and 177.977 designate the Transportation Cabinet as the agency responsible for the identification of public highways, roads, streets, and bridges that comprise the official coal haul highway system. This administrative regulation is adopted to provide for and regulate the gathering of pertinent information from all coal shippers or owners regarding the movement of coal, and to specify the procedures to be used to obtain a certified transportation plan.

Section 1. Application for Transportation Plan. Every person subject to KRS 351.175, 350.060, 42.455 and 177.977 shall apply to the Department of Highways for a certified transportation plan for each route whereby the applicant proposes to transport materials. Applications may be obtained from any highway district office.

Section 2. Form of Application. The application form prescribed and furnished by the Department of Highways shall require such information as is necessary to identify the origin of highway transportation and the roads, streets, and bridges requested by the applicant, and to adequately identify the applicant. The application must be accompanied by a map designating the desired route. Copies of maps may be obtained from the Department of Highways, Division of Planning, 419 Ann Street, Frankfort, Kentucky, or from the district highway office of the district in which the roads, streets and bridges are located. The specified form is available from any district highway office.

Section 3. Filing of the Application. The original and two (2) copies of the application for a certified transportation plan shall be submitted to the Department of Highways district office for the county in which the haul route originates. A separate application must be filed for each origin and destination between which materials are to be transported.

Section 4. Reporting Requirements. Any person issued a transportation plan for coal must file quarterly reports with the Department of Highways pursuant to 603 KAR 5:115.

Section 5. Certification of Transportation Plans. The Chief District Engineer for the Department of Highways district in which the haul route originates shall certify the transportation plan on behalf of the Department of Vehicle Regulation and the Transportation Cabinet.

Section 6. The effective date of this administrative regulation is April 1, 1987. (11 Ky.R. 339; 585; eff. 10-9-1984; 13 Ky.R. 1252; eff. 2-10-1987; Crt eff. 5-22-2019)